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CITY AND COUNTY OF SAN FRANCISCO

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 JAMES WILSON, et al.,

16 Plaintiffs,

17 vs.

18 CITY AND COUNTY OF SAN
FRANCISCO CALIFORNIA, A
19 MUNICIPAL CORPORATION,

20 Defendant.

21 Case No. C 07-1016 PJH

22 JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
PROPOSED ORDER

23 Hearing Date: N/A

Time:

Courtroom:

Hon. Phyllis J. Hamilton

22 The parties submit the following Updated Joint Case Management Statement:

23 **I. UPDATED PROCEDURAL HISTORY**

24 On July 13, 2009, the Court stayed the proceedings in this matter pursuant to the parties'
25 stipulation. The parties were awaiting the Ninth Circuit's decision in *Bamonte v. City of Mesa*, as
26 case which is directly relevant to the issues at hand. In late March, the Ninth Circuit issued its
27 decision, holding that under the facts before the Court, the donning and doffing of police uniforms
and equipment was not compensable under the FLSA where neither the employer nor any rule or law

1 required police officers to engage in such activities at work. 598 F.3d 1217, at 1225-34 (9th Cir.
2 2010).

3 Following the issuance of the Ninth Circuit opinion, counsel for the parties met to discuss the
4 possibility of settling the case. Based on these discussions, the parties concluded that another
5 settlement conference with Magistrate Judge Chen would be useful.

6 In order to allow the parties time to adequately prepare for settlement discussions, the parties
7 agreed to set the further settlement conference with Magistrate Judge Chen on October 14, 2010.

8 **II. DISCOVERY TO DATE**

9 In light of the stay the parties have not conducted additional discovery.

10 **III. EXPECTED PRE-TRIAL MOTIONS**

11 In light of the Court's Order granting Plaintiffs' motion for conditional certification, and the
12 Ninth Circuit's decision in *Bamonte, supra*, Defendant may file a motion to decertify the class.

13 The parties will be filing cross-motions for summary judgment.

14 **IV. PROPOSED DEADLINES AND COURT DATES**

15 The Parties request that the case remain stayed until after the October 14, 2010 settlement
16 conference with Judge Chen.

17 The Parties propose that the Court schedule a further status conference for November 18,
18 2010, at which time the parties will report on the status of settlement discussions, discovery and
19 propose a scheduling order for any further non-expert discovery, expert discovery, cross-motions for
20 summary judgment, motion to decertify, and trial.

22 Dated: August 23, 2010

23 SHEA LAW OFFICES

24 s:/Mary Shea Hagebols
25 MARY SHEA HAGEBOLS
26 Attorney for Plaintiffs

1 Dated: August 23, 2010

2 DICKSON LEVY VINICK BURRELL HYAMS LLP

3 By: s:/Sharon R. Vinick
4 SHARON R. VINICK
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5 Dated: August 23, 20010

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14 CITY AND COUNTY OF SAN FRANCISCO

CASE MANAGEMENT ORDER

The foregoing joint statement is adopted by this Court as the Case Management Order in this action in accordance with Civil Local Rule 16-9 and other applicable Local Rules, and shall govern all further proceedings in this action.

IT IS SO ORDERED.

Dated: 8/27/10

